

REMARKS**Summary of the Office Action**

Claims 10 and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Clubb et al. (US 7,323,001) in view of Shiber (US 5,653,696).

Claims 11 and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Clubb et al. (US 7,323,001) in view of Shiber (US 5,653,696), and further in view of Fleischhacker (US 5,373,619).

Summary of Response to the Office Action

Claims 10, 11, 13 and 14 are amended to correct minor informalities. Claims 1-9 and 12 were canceled previously without prejudice or disclaimer. Accordingly, claims 10, 11, 13 and 14 are presently pending for consideration.

All Claims Define Allowable Subject Matter

Claims 10 and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Clubb et al. (US 7,323,001) in view of Shiber (US 5,653,696). Claims 11 and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Clubb et al. (US 7,323,001) in view of Shiber (US 5,653,696), and further in view of Fleischhacker (US 5,373,619). Applicants respectfully traverse the rejection of claims for at least the following reasons.

With respect to independent claims 10 and 13, as amended, Applicants respectfully submit that none of the applied prior art, whether taken singly or combined, teaches or suggests a combination of features including at least “a flexible hollow tube body formed by a plurality of austenitic stainless steel wires cylindrically stranded around an elongate core into a wire-rope configuration” and “helical grooves at an inner surface of said flexible tube body, said helical

grooves being formed by said stranded austenitic stainless steel wires helically and tightly stranded abutting each other to carry away said hard clot powder in a rearward direction therealong.”

On page 3 of the Action, the Office alleges that “Clubb et al. discloses a flexible hollow tube body 50 formed by a plurality of austenitic stainless steel wires 56 tightly stranded cylindrically around an elongate core 54 into a wire-rope configuration, (FIGs. 5A, 5B, column 9, line 62 to column 10, line 20),” “Helical grooves in an inner surface of the tube body formed by the stranded steel wires helically and tightly stranded abutting each other are capable of carrying away hard clot powder (FIG. 5B).” In addition, the Office asserts that “it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the device of Clubb et al. with the knife-edge circle front as taught by Shiber for breaking up the clot material. Applicants respectfully disagree.

In contrast to the Applicants’ claimed invention, Clubb et al. discloses a conically shaped filter 50 (FIG. 5B) which is formed by minibraids (see col. 10, lines 11-15). The minibraids are represented by a structure 52 comprised of 0.001 inch diameter braided nitinol wires 56 (FIG. 5A, col. 9, lines 62-65). This structure creates pores that are distributed throughout the filter to control the filtering of emboli from blood flowing through a lumen defined by the walls of a vessel in a patient’s body. In other words, these pores do not form “tightly stranded abutting each other” structure as required by the newly amended independent claims 10 and 13 “to carry away said hard clot powder.” Applicants respectfully submit that although the filter device of Clubb et al. may be configured to have the nitinol wires tightly woven to prevent the flow of any component to travel through to the other side, the purpose of the filter device is to catch the emboli by controlling the pore sizes in the filter. Thus, there will always be openings/gaps/pores

created in the filter. Accordingly, Applicants respectfully assert that one skilled in the art would not be motivated to modify the filter device of Clubb et al. with the teachings of Shiber and Fleischhacker because the filter device of Clubb et al. is designed to allow the certain components to travel to the other side of the filter whereas the present invention does not form pores/openings that allow any component (i.e., the hard clot powder) to travel through the helical grooves to the outside.

In addition, Applicants respectfully submit the attached appendix to compare the present invention with the embodiments of: D3, Clubb et al. (US 7,323,001), D2, Shiber (US 5,653,696) and D1, Fleischhacker (US 5,373,619). As apparent from the foregoing comparison chart, none of the applied references teaches or suggests the features recited in the amended independent claim 10, hence dependent claim 11.

Thus, in light of the arguments presented above, Applicants respectfully assert that the Office has not established a *prima facie* case of obviousness and that the rejections under 35 U.S.C. § 103 is improper. Therefore, the rejection of independent claims 10 and 13, as amended, under 35 U.S.C. §103(a) should be withdrawn. Furthermore, Applicants respectfully submit that Shiber fails to cure the deficiencies of Clubb et al., Shiber in combination with Fleischhacker fail to cure the deficiencies of Clubb et al. Moreover, Applicants respectfully submit that dependent claims 11 and 14 are allowable for reasons discussed above with regard to respective one of amended independent claims 10 and 13 from which they respectfully depend, as well as the individual features that dependent claims 11 and 14 recite.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.R.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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Dated: January 9, 2009

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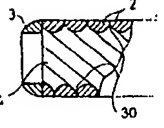
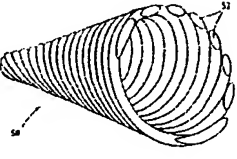
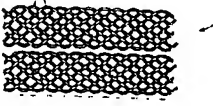
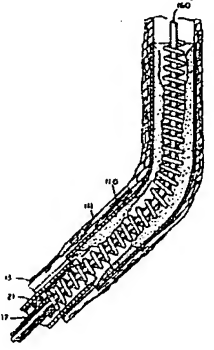
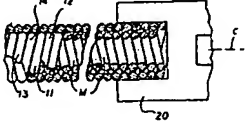
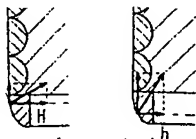
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--Appendix--

Subject Invention	D3: U.S. 7,323,001	D2: U.S. 5,635,696	D1: U.S. 5,373,691
 <p>Fig. 3</p>	<p>filter minibraid 52</p>  <p>Fig. 5B</p>  <p>Fig. 5A</p>	<p>guide wire (160)</p>  <p>catheter 21 in Fig. 5</p>	 <p>Fig. 1</p>
<ul style="list-style-type: none"> welded knife edge circle front 	<p>--None--</p>	<p>--None--</p>	
<ul style="list-style-type: none"> blade edge diametrically reduced front, outwardly arcuated in cross section 	<p>--None--</p>	<ul style="list-style-type: none"> linear slope at distal end of catheter tapered configuration 	<p>--None--</p> <p>--None--</p>
<ul style="list-style-type: none"> proximal side rotational force H 		<ul style="list-style-type: none"> no technological idea 	<ul style="list-style-type: none"> no technological idea
<ul style="list-style-type: none"> distal side rotational force h 10h 	<p>--None--</p>		
<ul style="list-style-type: none"> mitigating the burden to which blade edge is subjected 			
<ul style="list-style-type: none"> maintaining a proper strength of blade edge even if diametrically reduced 	<ul style="list-style-type: none"> minibraid means a gap between helices not tightly wound 	<ul style="list-style-type: none"> no tightly stranded wires 	<ul style="list-style-type: none"> technological idea greatly different from subject invention
<ul style="list-style-type: none"> helically stranded with helices tightly abutted 	<ul style="list-style-type: none"> minibraid 52 catches emboli and unable to carry hard clot powder rearward 	<ul style="list-style-type: none"> under the presence of gap between helices, impossible to carry hard clot powder rearward 	
<ul style="list-style-type: none"> carrying hard clot powder rearward along helical groove provided at inner wall of the flexible tube body 	<ul style="list-style-type: none"> filter with minibraids served for catching emboli technological idea greatly different from subject invention 		